

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION NO. 1384 of 1997

CORAM: H. R. SHELAT, J.

Date: 15.10.1997

The petitioner hereinabove prays for anticipatory bail because the complaint for the offence under section 354, 506 and 504 of IPC and under section 3 (10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred as "Atrocities Act" for short) is filed against him and he is apprehending the arrest by the Investigating Officer. In view of section 18 of the Atrocities Act, anticipatory bail cannot be granted because sec. 438 of Code of Criminal Procedure is not made applicable to such cases. Consequently, the court is not vested with the power to release the accused on anticipatory bail in such cases and, therefore, the application on that count is required to be dismissed at this stage, and therefore, Mr Pandya learned advocate for the petitioner submits that the petitioner present in the court, surrenders to the judicial custody. He may be taken in judicial custody and necessary directions for approaching the Special Court for bail in usual course may be given.

The petitioner is present in the court and is formerly taken in judicial custody. He shall appear before the Special Court at Baroda on 20.10.1997 and if he so chooses may file an application for being released on bail. The Special Court at Baroda will then dispose of the application in accordance with law without being influenced by the present order. Till then, the petitioner shall not be arrested. If the petitioner fails to obtain bail, it would be open to the Investigating Officer to proceed against the petitioner in accordance with law. For the aforesaid reasons and observations, the petition is hereby dismissed. DS Permitted. Copy of this order be sent to the Sessions Judge, at Baroda.

(H. R. SHELAT, J.)